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November 29, 2005Legal Staff  
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Diane Payne on behalf of  
David M. GryteIntervet U.S. Patent  
Department

302-934-4305

USSN: 10/524,242 Customer No.: 31846

Attorney Reference No.: I-2002.022 US

Please accept the documents which follow in the above-identified application:

Renewed Petition Under 37 CFR 1.47(a) (6 pages)

Exhibit D (3 pages)

Exhibit E (2 pages)

Declaration Executed by Inventors Huron &amp; Cady (6 pages)

Certificate of Fax (1 page)

03/07/2006 CSM001 0000000007 0000000007 10524242  
 Sale Ref: 0000000007 DA: 022334 10524242  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sebastien Claude Jacques Huron, et al.  
Serial No: 10/524,242  
Filed: February 10, 2005  
For: Novel Compositions and Processes for Delivering an Additive  
Priority PCT No: PCT/US03/25358 (Publication No. 2004/014143)  
Int'l Filing Date: August 13, 2003  
Confirmation No: Unknown  
Group Art Unit: Unknown  
Examiner: Unknown  
Attorney Ref: I-2002.022 US

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**RENEWED PETITION UNDER 37 CFR §1.47(a)**Legal Staff  
International Division

ATTN: Office of PCT Legal Administration  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

Applicants submit this Renewed Petition in response to the Patent Office's September 29, 2005 Decision on Petition under 37 CFR §1.47(a) in the above-referenced patent application. That decision dismissed Applicants' February 10, 2005 Petition under 37 CFR §1.47 for failure to:

- (1) provide factual proof that the non-signing inventor (Mark Pieloch) refuses to execute the declaration for the application,
- (2) provide a statement of the last known address of the non-signing inventor, and
- (3) provide a declaration by each 37 CFR §1.47(a) applicant on his/her behalf and on behalf of the non-signing inventor.

Applicants request that the dismissal be withdrawn and that the Petition be granted in view of the supplemental statement of facts and enclosures provided with this filing.

Renewed Petition Under 37 CFR §1.47(a)  
Appl. No. 10/524,242  
November 29, 2005

**Supplemental statement of facts**

In August of 2002, William P. Ramey, III, former patent counsel for Akzo Nobel NV and Intervet Inc., completed drafting a provisional patent application titled "Novel Compositions and Processes for Delivering an Additive." That application was filed on August 22, 2002, and assigned U.S. Provisional Application No. 60/403,201. Mr. Ramey opined that the following individuals should be named as inventors in the application: Sebastien Huron, Susan Cady, and Mark Pieloch. Mr. Ramey discussed the application with each of these individuals. See Exhibit A of February 10, 2005 Petition, Declaration of William P. Ramey, III, ¶¶ 2-5.

On August 13, 2003, Mr. Ramey filed a PCT application claiming priority to U.S. Provisional Application No. 60/403,201. See Exhibit A of February 10, 2005 Petition, ¶ 6. See also, Exhibit C of February 10, 2005 Petition, Copy of Express Mailing Label. That application was assigned Int'l Patent Application No. PCT/US2003/025358 and Publication No. WO 2004/014143. Mr. Ramey was able to obtain the signatures of all the inventors except Mr. Pieloch.

Mr. Ramey discussed the declaration with Mr. Pieloch. Mr. Pieloch responded that he would need to check with his attorney because he had filed an application as well. See Exhibit A of February 10, 2005 Petition, ¶ 7.

On August 22, 2003, Mr. Ramey sent a certified letter (return receipt requested) to Mr. Pieloch requesting that Mr. Pieloch review the application (enclosed with the certified letter), sign the declaration (also enclosed with the certified letter), and return the signed declaration within five days of receipt. See Exhibit A of February 10, 2005 Petition, ¶ 8. See also, Exhibit B of February 10, 2005 Petition, Certified Letter and Return Receipt. Mr. Ramey sent this letter to Mr. Pieloch's last known place of business (Pharma Chemie, 1877 Midland Street, P.O. Box 326, Syracuse, NE 68446-0326) because Mr. Ramey was unable to ascertain an alternative home address for Mr. Pieloch.

Following Mr. Pieloch's receipt of the declaration and application, Mr. Pieloch's attorney, Wendy K. Marsh, notified Mr. Ramey via letter that Mr. Pieloch refuses to sign the declaration. Ms. Marsh based this refusal on Mr. Pieloch's purported belief that the other named inventors are not inventors of the subject matter claimed in the application, and that

Renewed Petition Under 37 CFR §1.47(a)  
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Mr. Pieloch is the sole inventor of any patentable subject matter claimed in the application.  
See Exhibit D enclosed with this Petition, Ms. Marsh's October 20, 2003 letter.

Applicants are consequently required to file this petition.

Applicants have not been notified as to any change in Ms. Marsh's representation of Mr. Pieloch. It is Applicants' understanding that Ms. Marsh's contact information is as follows:

Wendy K. Marsh, Esq.  
McKee, Voorhees & Sease  
801 Grand Avenue  
Suite 3200  
Des Moines, IA 50309-2721  
Tel: 515-288-3667 Ext: 255  
Fax: 515-288-1338  
email: marsh@ipmvs.com

As of this filing, Applicants have been unable to absolutely ascertain an alternative home address for Mr. Pieloch. But, based on a review of a declaration Mr. Pieloch purportedly signed for U.S. Patent Application No. 10/076,892 (filed February 14, 2002), Applicants have determined that Mr. Pieloch purportedly is a U.S. citizen. From this document, Applicants also have determined that Mr. Pieloch purportedly was, as of January 30, 2002, a resident of Lincoln, NE. This declaration is available for review on the U.S. Patent Office's Public PAIR website, and therefore is not being enclosed with this Renewed Petition. Applicants, however, can provide a copy of that declaration upon request from the Patent Office.

Applicants have identified three possible Lincoln, NE home addresses for Mr. Pieloch using the "PEOPLEFINDERS.COM" commercial website. Those addresses are:

5841 NW Gary St.  
Lincoln, NE 68521

6200 S. 69th St.  
Lincoln, NE 68516

7121 Framton Rd.  
Lincoln, NE 68516

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See Exhibit F enclosed with this Petition, November 29, 2005 PEOPLEFINDER.COM search results. The website indicates that the telephone number for each of these addresses is the same: (402) 488-1090. The Undersigned, however, has not called this number in an effort to identify the correct address, given that Mr. Pieloch is represented by counsel.

**Response to deficiencies outlined in Patent Office's September 29, 2005 Decision**

The Decision dismissed Applicants' February 10, 2005 Petition for failing to provide factual proof that Mr. Pieloch refuses to execute the declaration in the application. Applicants request reconsideration of this dismissal in view of the above supplemental statement of facts and enclosures. Specifically, Applicants have provided a letter from Mr. Pieloch's attorney expressly stating that Mr. Pieloch refuses to sign the declaration for this application.

The Decision dismissed Applicants' February 10, 2005 Petition for failing to provide a statement of Mr. Pieloch's last known home address. Applicants request reconsideration of this dismissal in view of the above supplemental statement of facts and enclosures. Specifically, Applicants have provided the full extent of their knowledge as to Mr. Pieloch's last known home address, as well as a copy of a recent address search from a commercial website.

The Decision dismissed Applicants' February 10, 2005 Petition for failing to provide a proper declaration. Specifically, the Decision objected to the declaration for not complying with 37 C.F.R. §§1.497(a)(3) and 1.63(c)(1) by identifying Mr. Pieloch as a third inventor and providing his citizenship and home address. Applicants request reconsideration of this dismissal. In support of this request, Applicants have enclosed a newly executed declaration, which lists Mr. Pieloch as a third inventor, provides Mr. Pieloch's purported citizenship, and provides Mr. Pieloch's last known address (to the extent known).

**Conclusion**

This renewed petition and its enclosures cure the three deficiencies asserted in the September 29, 2005 Decision. Accordingly, Applicants respectfully request that the Patent Office withdrawn its dismissal of Applicants' Petition, grant the Petition, and accept the enclosed declaration.

Renewed Petition Under 37 CFR §1.47(a)  
Appl. No. 10/524,242  
November 29, 2005

\*\*\*\*\*

The September 29, 2005 Decision on Petition states that no fee is required with a Renewed Petition. Thus, Applicants believe that they do not owe any fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 02-2334.

To reduce the volume of filing, Applicants have not enclosed materials that they already enclosed with their February 10, 2005 Petition. Applicants, however, are happy to provide any such materials upon request from the Patent Office.

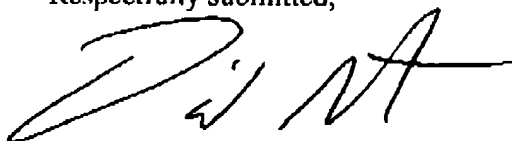
Applicants are not enclosing the documents referenced in Wendy K. Marsh's October 20, 2003 letter (*i.e.*, materials referenced in the enclosed Exhibit D). Applicants, however, intend to submit such documents in the form of a later-filed Information Disclosure Statement to the extent Applicants believe such documents may be material to the patentability of this patent application. Applicants are also happy to provide the documents at this time upon request from the Patent Office.

Applicants are forwarding a copy of this Renewed Petition to Ms. Marsh (Mr. Pieloch's last-known attorney), and will keep her informed as to any substantive developments with respect to the above-referenced application unless she instructs us to do otherwise on behalf of her client.

Renewed Petition Under 37 CFR §1.47(a)  
Appl. No. 10/524,242  
November 29, 2005

Applicants request that the Patent Office call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



David M. Gryte, PTO Reg. No. 41,809  
Senior Patent Counsel  
Patent Department  
Intervet Inc.  
P.O. Box 318  
29160 Intervet Lane  
Millsboro, DE 19966  
(302) 934-4395 (tel)  
(302) 934-4305 (fax)  
(314) 306-5400 (cell)

**CERTIFICATE OF FACSIMILE**

I certify that this correspondence is being sent via facsimile on **November 29, 2005** to facsimile no. (571) 273-8300 to the attention of **Office of PCT Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**



DMG/DAP

enclosures: Exhibit D, Exhibit E, and partially executed Declaration

# **EXHIBIT D**

**Wendy K. Marsh's October 20, 2003 Letter**



**MCKEY VORHEES & SEASE, PLLC**

Email: marsh@ipmvs.com  
October 20, 2003

William P. Ramey III  
Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966-0318

Re: Patent Application Entitled: "Novel Compositions and Processes for  
Delivering an Additive"  
Copies of Petition Under 37 CFR § 1.47 Filed with Patent and Trademark Office

Dear Mr. Ramey:

Our client forwarded us the above-referenced petition for an inventor who refuses to sign. As explained in our letter of September 16, 2003, Mr. Picloch will not sign the Declaration and Power of Attorney for this application since Pharma Chemie, not Intervet, invented its subject matter.

We note in your petition and sworn statement that was apparently submitted to the PCT that, as of September 22, 2003, neither Mr. Picloch nor his attorney had attempted to communicate with you. However, this statement is obviously not true in view of our September 16<sup>th</sup> letter. We trust you will be promptly informing the U.S. receiving office of this communication.

Since Intervet did not invent the subject matter of the above-referenced patent application, any U.S. patent application filed by Intervet on this technology (if one has not been filed already) will be unpatentable under 35 U.S.C. § 102(f). Attached please find evidence proving Mark Picloch as the inventor of the soft chew formulation described in your application. The active ingredients of the formulations have been blacked out, but not their concentrations, so you can readily ascertain the concentrations of inactive ingredients, including the "starch component", "sugar component", "oil component", and a "first additive" whereby the moisture content is less than about 15%. If a U.S. application is (or has already been) filed, under 37 C.F.R. § 1.56, you will be obligated to disclose this evidence to the Patent Office as it is all material to the patentability of the Intervet application. Please note that this information must be treated as confidential according to the terms of the confidential disclosure agreement of the

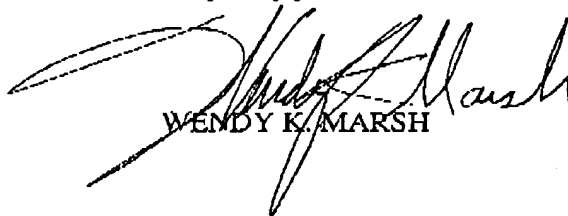
BRUCE W. MCKEE\*  
MICHAEL G. VORHEES\*  
EDMUND J. SEASE\*  
MARK D. HANSING\*  
KIRK M. HARTUNG\*  
HEIDI S. NEBEL\*  
WENDY K. MARSH\*  
JEFFREY D. HARTY\*  
CHRISTINE LEBRON-DYKEMAN\*  
R. SCOTT JOHNSON\*  
JOHN D. GOODHUE\*  
STEVEN P. SMITH\*  
ANDREW L. TIPPON\*  
VINCENT S. EGOLF\*  
TONYA Y. BRADY\*  
LILA A.T. AKRAD\*

\*PATENT LAWYER

\*ADMITTED IN  
CALIFORNIA ONLY

parties dated October 16, 2001), except for purposes of meeting your duty of disclosure under Rule 56.

Very truly yours,



WENDY K. MARSH

cc: Mark J. Picloch  
Edmund J. Sease

MVS

# **EXHIBIT E**

## **Search Results for Mark Pieloch's Home Address**



[Search](#) | [Help](#) | [View Your Orders](#) | [Log Out](#)

Search billions of public records > Find Anyone - Anywhere!

Welcome: David Gryte  
Membership: No Membership

You are currently: **LOGGED IN**  
[CLICK HERE TO PURCHASE A MEMBERSHIP!](#)

Your records have been successfully purchased. You can view them anytime from your record ma

## Search Results

[<< Back to Record Manager](#)

People

[Search Again >>](#)

8 Matches For

	Full Name	Address	Age	Birth Date	Phone	
1.	<a href="#">PIELOCH, MARK J</a>	1487 MANCHESTER ST MC PHERSON, KS 67460	47	12/05/1957		Backgrou
2.	<a href="#">PIELOCH, MARK J</a>	1487 MANCHESTER ST MCPHERSON, KS 67460	47	12/05/1957	(402) 488-1090	Backgrou
3.	<a href="#">PIELOCH, MARK J</a>	1 RR 1 544 TEMPLETON, MA 1468	47	12/05/1957		Backgrou
4.	<a href="#">PIELOCH, MARK J</a>	544 PO BOX TEMPLETON, MA 1468	47	12/05/1957		Backgrou
5.	<a href="#">PIELOCH, MARK J</a>	5841 NW GARY ST LINCOLN, NE 68521	47	12/05/1957	(402) 488-1090	Backgrou
6.	<a href="#">PIELOCH, MARK J</a>	6200 S 69TH ST LINCOLN, NE 68516	47	12/05/1957	(402) 488-1090	Backgrou
7.	<a href="#">PIELOCH, MARK J</a>	7121 FRAMTON RD LINCOLN, NE 68516	47	12/05/1957	(402) 488-1090	Backgrou
8.	<a href="#">PIELOCH, MARK J</a>	12 FORD ST GARDNER, MA 1440	48	05/12/1957		Backgrou


**DECLARATION  
EXECUTED BY  
INVENTORS  
HURON AND CADY**

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on November 29, 2005 .  
Date

  
Signature

Diane Payne  
Typed or printed name of person signing Certificate

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USSN: 10/524,242  
Application of: Huron et al.  
For: Novel Compositions and Processes for...  
Attorney Docket: I-2002.022 US

Renewed Petition Under 37 CFR 1.47(a) (6 pages)  
Exhibit D (3 pages)  
Exhibit E (2 pages)  
Declaration Executed by Inventors Huron & Cady (6 pages)  
Certificate of Fax (1 page)

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